

Amendment under 37 C.F.R. §1.116  
Serial No. 10/781,811  
Attorney Docket No. 042123

### **REMARKS**

Claims 1-15 and 21 are pending in the present application. Claims 1-15 and 21 are rejected. Claims 1, 3, 4, 6, 8, 10 and 12 are herein canceled. Claims 2, 14 and 15 are herein amended. No new matter has been entered.

The amendment of claims 2, 14 and 15 effectively moves the allowable limitations from claim 3 into claim 2, and subsequently corrects the dependency of claims dependent therefrom. The amendments also remove limitations that were previously added but found objectionable. Thus, Applicants submit that **no new matter** is herein entered that would require additional search or consideration.

### **Claim Rejections – 35 U.S.C. §112**

Claims 1-15 and 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claims 1-15 and 21 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 and its dependent claims 4, 6, 8, 10 and 12 are canceled.

Claim 2 is amended so that the limitation “so that a fluctuation of a dispersion of hydrogen termination ratio...” is deleted. Accordingly, we are convinced that amended claim 2 and its dependent claims comply with the written description requirement and are definite particularly pointing out and distinctly claiming the subject matter which the applicant regards as the invention.

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**Claim Rejections – 35 U.S.C. §102/103**

Claims 1, 6, 8, 10, 12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by *JP-09252131-A*.

Claims 1, 6, 8, 10 and 12 are canceled. Claim 14 is herein amended to be dependent from claim 2. Applicants submit that this amendment overcomes the rejection.

Claims 2, 7, 9, 11, 13, 15 and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over *JP-09252131-A* and further in view of *Lockwood (U.S. Patent No. 3,996,482)*. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over *JP-09252131-A* and further in view of *Dixit et al. (US 2002/0185664 A1)*. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over *JP-09252131-A* in view of *Lockwood (U.S. Patent No. 3,996,482)* and further in view of *Dixit et al. (US 2002/0185664 A1)*.

The limitations of claim 3, which the Examiner noted would be allowable if rewritten in independent form in the previous Office Actions dated February 24, 2005; July 28, 2005; and February 6, 2006, are herein added to Claim 2.

In the present Office Action, claim 3 is still not substantively rejected. Therefore, Applicants submit that amended claim 2 and dependent claims 5, 7, 9, 11, 13, 14, 15 and 21 are now in condition for allowance.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**

A handwritten signature in black ink, appearing to read "Kenneth H. Salen", with a long horizontal flourish extending to the right.

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